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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,245	03/27/2001	Naoaki Horiuchi	041465-5104	8060

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EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,245

Applicant(s)

HORIUCHI ET AL.

Examiner

Charles Rones

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Reconsideration

The Request for Reconsideration timely filed on January 24, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cluts U.S. Patent No. 5,616,876 ('Cluts').

Cluts discloses:

As to claims 1 and 11,

an AV information accumulating device for accumulating AV (Audio Visual) information, which include any one of audio information, video information and data information associated with at least any one of the audio information and the video information; See 4:36-67;

a characteristic information accumulating device for accumulating characteristic information, which defines said accumulated AV information, for said each AV information; See 11:32-47;

an inputting device for inputting search characteristic information defining said accumulated AV information required to be searched; See 11:34-67; 12:55-67;

an example inputting device for inputting example information to illustrate said AV information having a characteristic indicated by the search characteristic information when said inputted search characteristic information is not included in said accumulated characteristic information; See 11:61-67; 14:1-27;

an extracting device for extracting example characteristic information being said characteristic information, which defines said inputted example information, from said example information; See 14: 28-67; and

an outputting device for searching said AV information associated with said extracted example characteristic information in said AV accumulating device and outputting said searched AV information to an exterior as said AV information associated with said search characteristic information; See 14:27-67.

As to claims 2 and 12,

a corresponding information accumulating device for forming a corresponding information, which associates said extracted example characteristic information to said inputted search characteristic information and storing said formed corresponding information; See 16:40-67; and

a search device for searching said example characteristic information from said characteristic information accumulating device on the basis of said accumulated corresponding information when said search characteristic information is inputted again after said corresponding information is accumulated in said corresponding information accumulating device; See 16:40-67;

wherein said outputting device searches said AV information associated with said searched example characteristic information from said AV accumulating device when said search characteristic information is inputted again and said outputting device outputs said searched AV information to an exterior as said AV information associated with said search characteristic information; See 16:40-67.

As to claims 3 and 13,

wherein said example inputting device is used for inputting said different and plural example information and said extracting device extracts said example characteristic information, which is common among said inputted plural example information, from each of said example information.; See 16:40-67

As to claims 4 and 14,

wherein said example inputting device is used for inputting said different and plural example information and said extracting device extracts said example characteristic information, which is common among said inputted plural example information, from each of said example information; See 16:40-67.

As to claims 5 and 15,

wherein said outputting device outputs said AV information associated with said extracted example characteristic information to an exterior as said AV information associated with said search characteristic information by using at least any one of a sound and an image; See 4:50-64.

As to claims 6 and 16,

wherein said outputting device outputs said AV information associated with said extracted example characteristic information to an exterior as said AV information associated with said search characteristic information by using at least any one of a sound and an image; See 4:50-64.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cluts U.S. Patent No. 5,616,876 ('Cluts').

Cluts discloses the claimed invention except for wherein said inputting device comprises a voice/example receiving device for receiving input of said search characteristic information by voice. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide wherein said inputting device comprises a voice/example receiving device for receiving input of said search characteristic information by voice since it was known in the art that using a voice with a speech to text translator would enable a user to convert his voice to be used as input to activate a computer to perform a common function such as searching for data that would allow the user the freedom of not having to use a keyboard to enter information into the computer for a response.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles Rones
Primary Examiner
Art Unit 2164

May 11, 2005